

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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| ANDREW MCINTOSH, Individually and On Behalf of All Others Similarly Situated, | : | Civil Action No. 2:05-CV-00889-LDW-ETB |
| Plaintiff, | : | <u>ELECTRONICALLY FILED</u> |
| vs. | : | <u>CLASS ACTION</u> |
| VEECO INSTRUMENTS, INC., et al., | : | |
| Defendants. | : | |
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| BARRY LINZER, On Behalf of Himself and All Others Similarly Situated, | : | Civil Action No. 2:05-CV-00957-DRH-ETB |
| Plaintiff, | : | <u>CLASS ACTION</u> |
| vs. | : | |
| VEECO INSTRUMENTS, INC., et al., | : | |
| Defendants. | : | |
| <hr/> | | |
| BRUCE KANTOR, On Behalf of Himself and All Others Similarly Situated, | : | Civil Action No. 2:05-CV-00967-LDW-ETB |
| Plaintiff, | : | <u>CLASS ACTION</u> |
| vs. | : | |
| VEECO INSTRUMENTS, INC., et al., | : | |
| Defendants. | : | |

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[Caption continued on following page.]

NOTICE OF MOTION AND MOTION TO APPOINT NECA-IBEW PENSION FUND (THE
DECATUR PLAN) AS LEAD PLAINTIFF, TO APPROVE LEAD PLAINTIFF'S CHOICE OF
LEAD COUNSEL PURSUANT TO §21D(a)(3)(B) OF THE SECURITIES EXCHANGE ACT
OF 1934, AND TO CONSOLIDATE RELATED ACTIONS PURSUANT TO RULE 42 OF
THE FEDERAL RULES OF CIVIL PROCEDURE

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GEORGE F. WALKER, Individually and On
Behalf of All Others Similarly Situated, : Civil Action No. 2:05-CV-01003-JS-ETB
Plaintiff, : CLASS ACTION
vs. :
VEECO INSTRUMENTS, INC., et al., :
Defendants. :
PHILIP G. COLLINS, On Behalf of Himself
and All Others Similarly Situated, : Civil Action No. 2:05-CV-01277-LDW-ETB
Plaintiff, : CLASS ACTION
vs. :
VEECO INSTRUMENTS, INC., et al., :
Defendants. :
SERVAAS HOLTHUIZEN, Individually and
On Behalf of All Others Similarly Situated, : Civil Action No. 2:05-CV-01337-LDW-ETB
Plaintiff, : CLASS ACTION
vs. :
VEECO INSTRUMENTS, INC., et al., :
Defendants. :
GERALD J. VOGT, et al., On Behalf of
Themselves and All Others Similarly Situated, : Civil Action No. 2:05-CV-01430-LDW-ETB
Plaintiffs, : CLASS ACTION
vs. :
VEECO INSTRUMENTS, INC., et al., :
Defendants. :

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[Caption continued on following page.]

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TIMOTHY JOE GROVE, On Behalf of : Civil Action No. 2:05-CV-01552-LDW-ETB
Himself and All Others Similarly Situated, :
Plaintiff, : **CLASS ACTION**
vs. :
VEECO INSTRUMENTS, INC., et al., :
Defendants. :

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TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that Veeco Instruments, Inc. institutional investor NECA-IBEW Pension Fund (The Decatur Plan) (“NECA”) will hereby move this Court on a date and at such time as may be designated by the Court, at 100 Federal Plaza, Central Islip, NY 11722-4438, for an order (attached hereto as Exhibit A): (1) appointing NECA as lead plaintiff and approving its choice of Lerach Coughlin Stoia Geller Rudman & Robbins LLP (“Lerach Coughlin”) as lead counsel pursuant to §21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”); and (2) consolidating the following related actions pending in this District pursuant to Rule 42 of the Federal Rules of Civil Procedure:

| CASE TITLE | CIVIL ACTION NO. | DATE FILED |
|--|-----------------------|------------|
| <i>McIntosh v. Veeco Instruments Inc., et al.</i> | 2:05-cv-00889-LDW-ETB | 02/16/2005 |
| <i>Linzer v. Veeco Instruments, Inc., et al.</i> | 2:05-cv-00957-DRH-ETB | 02/18/2005 |
| <i>Kantor v. Veeco Instruments, Inc., et al.</i> | 2:05-cv-00967-LDW-ETB | 02/18/2005 |
| <i>Walker v. Veeco Instruments, Inc., et al.</i> | 2:05-cv-01003-JS-ETB | 02/23/2005 |
| <i>Collins v. Veeco Instruments, Inc., et al.</i> | 2:05-cv-01277-LDW-ETB | 03/09/2005 |
| <i>Holthuizen v. Veeco Instruments, Inc., et al.</i> | 2:05-cv-01337-LDW-ETB | 03/11/2005 |
| <i>Vogt, et al. v. Veeco Instruments, Inc., et al.</i> | 2:05-cv-01430-LDW-ETB | 03/18/2005 |
| <i>Grove v. Veeco Instruments, Inc., et al.</i> | 2:05-cv-01552-LDW-ETB | 03/24/2005 |

This Motion is made on the grounds that NECA timely filed this Motion, suffered the most significant financial loss resulting from the misconduct alleged and qualifies as the “most adequate plaintiff” under §21D of the Exchange Act. In sum, NECA has the most substantial financial interest in the relief sought by the class, and meets the requirements of Rule 23 of the Federal Rules of Civil Procedure because its claims are typical of the claims of the class and it will fairly and adequately represent the interests of the class.

Further, NECA has selected and retained the law firm of Lerach Coughlin, a national law firm with extensive experience in prosecuting securities fraud actions, to serve as lead counsel. NECA, thus, seeks this Court's approval of its selection of Lerach Coughlin as lead counsel pursuant to 15 U.S.C. §78u-4(a)(3)(B)(v).

NECA also seeks consolidation under Rule 42(a) of the Federal Rules of Civil Procedure of the related class action cases pending in this District on the grounds that the actions are substantially similar because each alleges claims based upon the same factual allegations and consolidation of these cases will promote efficiency.

This Motion is based upon the instant Motion, the memorandum of law in support thereof, the Declaration of Mario Alba, Jr., the pleadings and other files herein, and such other written or oral arguments as may be permitted by the Court at the hearing of this Motion.

DATED: April 18, 2005

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
SAMUEL H. RUDMAN (SR-7957)
DAVID A. ROSENFELD (DR-7564)
MARIO ALBA, JR. (MA-7240)

/s/ *Mario Alba, Jr.*

MARIO ALBA, JR.

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[Proposed] Lead Counsel for Plaintiffs

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 401 B Street, Suite 1600, San Diego, California 92101.

2. That on April 18, 2005, declarant served the **NOTICE OF MOTION AND MOTION TO APPOINT NECA-IBEW PENSION FUND (THE DECATUR PLAN) AS LEAD PLAINTIFF, TO APPROVE LEAD PLAINTIFF'S CHOICE OF LEAD COUNSEL PURSUANT TO §21D(A)(3)(B) OF THE SECURITIES EXCHANGE ACT OF 1934, AND TO CONSOLIDATE RELATED ACTIONS PURS** by depositing a true copy thereof in a United States mailbox at San Diego, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 18, 2005, at San Diego, California.

/s/ Diana L. Houck

DIANA L. HOUCK

VEECO INSTRUMENTS (EDNY)

Service List - 4/18/2005 (05-0043)

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